

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PROMOS TECHNOLOGIES, INC.,)
Plaintiff,)
v.) C.A. No. 06-788 (JJF)
FREESCALE SEMICONDUCTOR, INC.,)
Defendant.)

SECOND AMENDED OMNIBUS RULE 16 SCHEDULING ORDER

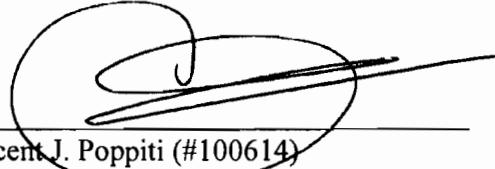
The Special Master having considered the parties' positions with respect to amending the Rule 16 Pre-Trial Order dated July 17, 2007 (D.I. 35), said order is Hereby Amended per the attached chart.

IT IS FURTHER ORDERED THAT:

1. All references to "days" are calendar days. All service must be completed by the dates set forth in the attached chart by either electronic service or hand delivery by 6:00 p.m., Eastern Standard Time.
2. Motions *in Limine* and responses thereto shall be in letter brief format and shall not be longer than 3 pages, exclusive of attachments. F. R. Civ. P. 53(g) objections taken to the Special Master's orders on the motions and responses thereto shall not be longer than 3 pages, exclusive of attachments.
3. The parties shall meet and confer to discuss a page limitation for case dispositive motion practice as well as for any F. R. Civ. P. 53 (g) objections taken to the Special Master's orders on the motions Absent an agreement by the parties not later than July 18, 2008, the Special Master after convening with Judge Farnan will establish page limitations for both cases

dispositive motion practice as well as for objections taken to the Special Master's orders on the motions and responses thereto.

ENTERED this
28th day of April, 2008



Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this 9 day of May, 2008.



Joseph F. Fahey
United States District Court Judge

CHART AMENDING JULY 17, 2007 RULE 16 PRE-TRIAL ORDER [D.I. 35]

STREAMLINING CASE	
Parties to meet-and-confer on supplemental discovery – including validity contentions, non-infringement contentions, and supplementation of interrogatories responses. If the parties cannot agree as to the supplemental discovery, the parties shall file any dispute to the Special Master.	Not later than May 13
Parties to determine final number of claims and designation of representative products for presentation at trial. If the parties cannot agree, the parties shall contact the Special Master. The Special Master will convene with Judge Farnan regarding the final number of claims and designation of representative products for presentation at trial.	June 2
Judge Farnan to approve the final number of claims and designation of representative products for presentation at trial.	June 5
ProMOS provides any additional infringement contentions with respect to Freescale products identified under Para. 4 of the April 24, 2008 discovery agreement resolving DM 4.	June 9
Supplementation of Interrogatory Responses	June 9
EXPERT DISCOVERY	
Opening Expert Reports Due	June 20 or 14 days after Judge Farnan's Markman Ruling, whichever is later
Responsive Expert Reports Due	July 11 or 21 days after opening reports, whichever is later
Conclusion of Expert Discovery	July 21 or 10 days after responsive expert reports, whichever is later
DISPOSITIVE MOTIONS	
Opening Briefs for Case Dispositive Motions At the time of filing the motion, the party must also file a Statement certifying that no genuine issues of material fact exist with regard to the facts argued in support of the motion.	July 25 or 4 days after the close of expert discovery, whichever is later
The party opposing the motion, may not later than July 29, 2008, file a Counter-Statement certifying that genuine issues of material fact exist and setting forth the material facts the party contends are disputed. The Counter-Statement shall be filed in lieu of an	July 29, 2008 or 8 days after the close of expert discovery, whichever is later

answering brief.	
The movant may file a response to the Counter-Statement.	July 30, 2008 or 9 days after the close of expert discovery, whichever is later
The Special Master will determine whether factual disputes exist that would prohibit summary judgment. If the Special Master decides that there are no factual disputes, then the parties shall file a response brief and reply brief.	August 1, 2008 or 11 days after the close of expert discovery, whichever is later
Responses to Case Dispositive Motions	Aug 8 or 14 days after motions are filed, whichever is later
Replies to Case Dispositive Motions	Aug 13 or 5 days after Responses are filed, whichever is later
Hearing on Case Dispositive Motions	Aug 22 or 9 days after Replies are filed, whichever is later
Rulings on Case Dispositive Motions	Sept 5 or 14 days after Hearing, whichever is later
Exceptions to ruling on Case Dispositive Motions	Sept 12 or 7 days after the Rulings on the Dispositive Motions, whichever is later
Replies to Exceptions to Rulings on Case Dispositive Motions	Sept 19 or 7 days after the Exceptions to Rulings, whichever is later.
MOTIONS IN LIMINE	
Parties exchange Preliminary Versions of its parts of the Pretrial Order	July 30
Parties exchange replies and supplementation to Preliminary Version of the Pretrial Orders.	Aug 5
Motions <i>in limine/Daubert</i> Motions	Aug 18
Responses to Motions <i>in limine/Daubert</i> Motions	Aug 25
Hearing on Motions <i>in limine/Daubert</i> Motions	Sept 12
Rulings on Motions <i>in limine/Daubert</i> Motions	Provided on a rolling basis no later than Sept 22
Exceptions on Motions <i>in limine/Daubert</i> Motions	On a rolling basis, no later than 3 days after the ruling comes in, but due no later

	than Sept 25
Response to exceptions on Motions <i>in limine/Daubert</i> motions	On a rolling basis, no later than 3 days after the ruling comes in, but due no later than Sept 29
PRETRIAL CONFERENCE	
ProMOS provides its parts of the Pretrial Order	Aug 25
Freescale provides its parts of the Pretrial Order	Sept 9
Final Pretrial Order due	Sept 24
Pretrial Conference	Oct 1
Trial	Oct 20-24